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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,479	07/06/2006	Patrick John McAuliffe	4398-553	4948
23117 NIXON & VAN	7590 01/06/201 NDERHYE, PC	EXAMINER		
901 NORTH G	LEBE ROAD, 11TH FI	OOR	BLIZZARD, CHRISTOPHER JAMES	
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			3771	
			MAIL DATE	DELIVERY MODE
			01/06/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.		Applicant(s)		
10/582,479		MCAULIFFE ET AL.		
	-			
	Examiner	Art Unit		

application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1.14 Fine reply must be filed within one of the following time periods: a) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the shatutory period for reply expires the than STM MONTHS from the mailing date of the final rejection. Examinar Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FINAL REJECTION. See MPEP 708 (57(f)). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.13(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action, or (2) a set of this (i) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely like into the period or any reduce any earned patient turn adjustment. See 37 CFR 1.73(b). Or any extension thereof (37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a), be avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a)		CHRISTOPHER BLIZZARD	3771						
1. ☑ The reply was filed after a final nejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandoment of the application, applicant must timely file one of the following replies: (1) an amendment, affaidavir, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 4.1.114. The reply must be filed within one of the following time periods:	The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress					
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a)	The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time								
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		/CHRISTOPHER BLIZZ Examiner, Art Unit 3771	ZARD/						

Continuation of 11. does NOT place the application in condition for allowance because: No amendment to the claims was made and thus rejections under 35 USC 103 stand.